

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**Eolas Technologies Incorporated,**

**Plaintiff,**

**VS.**

**Adobe Systems Inc., Amazon.com, Inc., Apple Inc., Blockbuster Inc., CDW Corp., Citigroup Inc., eBay Inc., Frito-Lay, Inc., The Go Daddy Group, Inc., Google Inc., J.C. Penney Company, Inc., New Frontier Chase & Co., New Frontier Media, Inc., Office Depot, Inc., Perot Systems Corp., Playboy Enterprises International, Inc., Rent-A-Center, Inc., Staples, Inc., Sun Microsystems Inc., Texas Instruments Inc., Yahoo! Inc., and YouTube, LLC**

## Defendants.

**Civil Action No. 6:09-cv-446**

## JURY TRIAL

**JOINT STIPULATION OF DISMISSAL BETWEEN EOLAS TECHNOLOGIES  
INCORPORATED AND NEW FRONTIER MEDIA, INC.**

Plaintiff Eolas Technologies Incorporated (“Eolas”) on the one hand, and Defendant, New Frontier Media, Inc. (“New Frontier”) on the other hand, each acting through their duly authorized undersigned counsel of record, pursuant to a Settlement and License Agreement dated May 24, 2011 hereby stipulate that all claims by Eolas against New Frontier, and all claims by New Frontier against Eolas in this action are hereby dismissed with prejudice, and that an order of dismissal to this effect may be entered forthwith. Each of the aforementioned parties shall bear its own costs and attorneys’ fees with respect to these claims.

<p><b>McKool Smith, P.C.</b>  <u>/s/ Mike McKool</u>  Mike McKool  Lead Attorney  Texas State Bar No. 13732100  <a href="mailto:mmckool@mckoolsmith.com">mmckool@mckoolsmith.com</a>  Douglas Cawley  Texas State Bar No. 04035500  dcawley@mckoolsmith.com  J.R. Johnson  Texas State Bar No. 24070000  jjohnson@mckoolsmith.com  <b>McKool Smith, P.C.</b>  300 Crescent Court, Suite 1500  Dallas, Texas 75201  Telephone: (214) 978-4000  Telecopier: (214) 978-4044</p> <p>Kevin L. Burgess  Texas State Bar No. 24006927  kburgess@mckoolsmith.com  John B. Campbell  Texas State Bar No. 24036314  spollinger@mckoolsmith.com  Josh W. Budwin  Texas State Bar No. 24050347  jbudwin@mckoolsmith.com  Matthew B. Rappaport  Texas State Bar No. 24070472  mrappaport@mckoolsmith.com  <b>McKool Smith, P.C.</b>  300 West Sixth Street, Suite 1700  Austin, Texas 78701  Telephone: (512) 692-8700  Telecopier: (512) 692-8744  <b>ATTORNEYS FOR PLAINTIFF</b>  <b>EOLAS TECHNOLOGIES, INC.</b></p>	<p><u>/s/ Michael Simons</u>  Michael Simons (<i>Lead Attorney</i>)  State Bar No. 24008042  msimons@akingump.com  AKIN GUMP STRAUSS HAUER &amp; FELD LLP  300 West 6th Street, Suite 1900  Austin, Texas 78701  Telephone: 512.499.6253  Facsimile: 512.499.6290</p> <p><b>ATTORNEY FOR DEFENDANT</b>  <b>NEW FRONTIER MEDIA, INC.</b></p>
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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A) on May 26, 2011.

/s/ Josh Budwin  
Josh Budwin